

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
MONDAY, SEPTEMBER 13, 2004 AT 2:00 P.M.
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

ITEM-1: ROLL CALL.

ITEM-10: INVOCATION.

ITEM-20: PLEDGE OF ALLEGIANCE.

=== LEGISLATIVE SCHEDULE ===

Special Orders of Business

ITEM-30: Dr. Clive Granger Day. (Cont. from August 10, 2004, Item S400.)
COUNCILMEMBER PETER’S RECOMMENDATION: Adopt the
resolution.

ITEM-31: Melody Morse Day.
COUNCILMEMBER MADAFFER’S RECOMMENDATION: Adopt the
resolution.

ITEM-32: Approval of Council Minutes.

NON-AGENDA PUBLIC COMMENT

Non-agenda public comment is taken on Tuesday pursuant to the San Diego Municipal Code Section 22.0101.

CLOSED SESSION NOTICES, DISCLOSURE, AND PUBLIC COMMENT

In accordance with the San Diego City Council Temporary Rule for Noticing and Conduct of Closed Session Meeting, adopted on March 29, 2004, this portion of the agenda is reserved for City Attorney comment, public comment, and City Council discussion of the content of the Closed Session Agenda scheduled for 9 a.m. on Tuesday, September 14, 2004. The Closed Session Agenda is separately available in the Office of the City Clerk and also posted at the same locations as the Open Session Agenda, including the City internet address.

NOTE: Members of the public wishing to address the City Council on any item on the Closed Session Agenda should reference the closed session item number from the Closed Session Docket on the speaker slip. Speakers may speak “in favor” or “in opposition” to the subject.

Information Item - No Action Required - The City Council shall:

1) Consider any oral report from the City Attorney or City negotiators; 2) Accept testimony from any member of the public wishing to address the City Council on any item appearing on the Closed Session Agenda; 3) Questions and discussion by Council Members, limited to the facts as disclosed by the City Attorney or City negotiators and the basis or justification for consideration of the matter in closed session 4) Refer matters discussed to closed session.

COUNCIL, CITY ATTORNEY, CITY MANAGER COMMENT

REQUESTS FOR CONTINUANCE

The Council will now consider requests to continue specific items.

=== LEGISLATIVE SCHEDULE (Continued) ===

Adoption Agenda, Consent Items

- ITEM-100: Two actions related to Inviting Bids for the Construction of Sewer Groups 746 and 749. (City Heights Community Area. Districts-3, 4, and 7.)
NATURAL RESOURCES AND CULTURE COMMITTEE'S
RECOMMENDATION: On 8/4/2004, NR&C voted 4 to 0 to approve the project.
- ITEM-101: Two actions related to Inviting Bids for the Construction of Sewer and Water Group 726. (Peninsula Community Area. District-2.)
NATURAL RESOURCES AND CULTURE COMMITTEE'S
RECOMMENDATION: On 8/4/2004, NR&C voted 4 to 0 to approve the project.
- ITEM-102: Two actions related to Inviting Bids for the Construction of Sewer Group 745. (Barrio Logan Community Area. District-8.)
NATURAL RESOURCES AND CULTURE COMMITTEE'S
RECOMMENDATION: On 8/4/2004, NR&C voted 4 to 0 to approve the project.
- ITEM-103: Awarding a Contract to Telliard Construction for Point Loma Community Park Ballfield Project Phase I. (Peninsula Community Area. District-2.)
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-104: Settlement of Personal Property Damage Claim of John A. Whalen.
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-105: Multi-Year Transient Occupancy Tax (TOT) Funding for the San Diego Bowl Game Association/Holiday Bowl.
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-106: Opposing California Performance Review's Recommendation RES12: Restructure Funding and Governance for Certain Land Conservancies. (Districts-2, 3, 6, and 7.)
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.

=== **LEGISLATIVE SCHEDULE (Continued)** ===

Adoption Agenda, Consent Items (Continued)

- ITEM-107: Agreement with Hawkins, Delafield & Wood, LLP, for Disclosure Counsel Services for Balboa Park Refunding.
CITY ATTORNEY'S RECOMMENDATION: Adopt the resolution.
- ITEM-108: Agreement with Hawkins, Delafield & Wood, LLP, for Disclosure Counsel Services for San Diego Open Space Refunding.
CITY ATTORNEY'S RECOMMENDATION: Adopt the resolution.
- ITEM-109: Agreement with Hawkins, Delafield & Wood, LLP, for Bond Disclosure Counsel Services for Pension Obligation Bonds.
CITY ATTORNEY'S RECOMMENDATION: Adopt the resolution.
- ITEM-110: Establishing a One-Hour Unmetered Time Limit Parking on the South Side of El Cajon Boulevard between 49th Street and Winona Avenue. (City Heights Community Area. District-7.)
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-111: CCDC Area 1, Phase 2, Job 2, from Beech Street to Cedar Street and State Street to 7th Avenue. (Centre City Community Area. District-2.)
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.

Public Notices

- ITEM-250: **Notice** of Pending Final Map Approval – 4154 Louisiana Street.
- ITEM-251: **Notice** of Pending Final Map Approval – 4950 Coronado Avenue.

Non-Docket Items

Adjournment in Honor of Appropriate Parties

Adjournment

=== EXPANDED CITY COUNCIL AGENDA ===

SPECIAL ORDERS OF BUSINESS

ITEM-30: Dr. Clive Granger Day.

(Continued from the meeting of August 10, 2004, Item S400, at the request of Councilmember Peters, due to lack of time.)

COUNCILMEMBER PETERS' RECOMMENDATION:

Adopt the following resolution:

(R-2005-162 Cor. Copy)

Declaring September 13, 2004 to be "Dr. Clive Granger Day" in the City of San Diego.

SPECIAL ORDERS OF BUSINESS (Continued)

ITEM-31: Melody Morse Day.

COUNCILMEMBER MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-230)

Proclaiming September 13, 2004 to be "Melody Morse Day" in the City of San Diego.

ITEM-32: Approval of Council Minutes.

TODAY'S ACTION IS:

Approval of Council Minutes for the meetings of:

08/16/2004 - Adjourned

08/17/2004 - Adjourned

08/23/2004 - Adjourned

08/24/2004 - Adjourned

08/30/2004 - Adjourned

08/31/2004 - Adjourned

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COUNCIL, CITY ATTORNEY, CITY MANAGER COMMENT

REQUEST FOR CONTINUANCE

The Council will now consider requests to continue specific items.

ADOPTION AGENDA, CONSENT ITEMS

The following listed items are considered to be routine, and the appropriate Environmental Impact Reports have been considered. These items are indicated on the docket by a preceding asterisk (*). Because these items may be handled quickly, if you wish to be heard submit your Request to Speak form prior to or at 2:00 p.m.

RESOLUTIONS TO BE ADOPTED:

Items 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, and 111.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-100: Two actions related to Inviting Bids for the Construction of Sewer Groups 746 and 749.

(See memorandum from Patti Boekamp dated 7/22/2004. City Heights Community Area. Districts-3, 4, and 7.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2005-165 Cor. Copy)

Approving the plans and specification for the construction of Sewer Groups 746 and 749 (Project), on Work Order Nos. 177551/177581;

Authorizing the City Manager, after advertising for bids in accordance with law, to establish contract funding phases and to award the Project ~~contract~~ to the lowest responsible and reliable bidder for the Project, contingent upon: (a) City Council approval of expenditure of any additional Project funding that may become necessary as a result of the bid opening for the Project; in an amount not to exceed \$6,435,000 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation-Sewer Main Replacement, provided that (b) the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of an amount not to exceed \$6,435,000 from Sewer Fund 41506, CIP-44-001.0. Annual Allocation-Sewer Main Replacement, consisting of \$3,540,000 for Sewer Group Job 746 and \$2,895,000 for Sewer Group Job 749, solely and exclusively, for the purpose of providing funds for the Project, contingency, and project-related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K051785C)

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

*** ITEM-100: (Continued)**

Subitem-B: (R-2005-166)

Certifying that Mitigated Negative Declaration Project Nos. 12556 and 12552, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations Section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the Sewer Group 746 and 749 Project.

Approving the Mitigated Negative Declaration;

Adopting the Mitigation Monitoring and Reporting Program, pursuant to California Public Resources Code Section 21081.6;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 8/4/2004, NR&C voted 4 to 0 to approve the project. (Councilmembers Lewis, Frye, Madaffer, and Inzunza voted yea. Councilmember Zucchet not present.)

SUPPORTING INFORMATION:

Sewer Groups 746 & 749 (Project) is part of the City of San Diego's continuing annual Capital Improvements Program (CIP) to replace aged and deteriorated sewer mains and service laterals within the City's right-of-way. Due to the sewer group size consideration and adjacent locations, the two Sewer Groups were combined in one contract to minimize the cost. The Project is in the City Heights community area and consists of installing approximately 14,044 feet (2.66 miles) of 8-inch and 10-inch sewer mains. The Project also includes installing 37 curb ramps at intersections within the Project limits and resurfacing of the impacted streets.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-100: (Continued)

SUPPORTING INFORMATION: (Continued)

For Sewer Group 746, the streets affected by construction operation are: Altadena Avenue between Loris Street and Wightman Street, Sterling Court between 50th Street and Altadena Avenue, Landis Street between Lemona Avenue and Altadena Avenue, Lemona Avenue between Sterling Court and Landis Street, 51st Street between Sterling Court and Lemona Avenue, Ridge View Drive between Laurel Street and Baily Avenue, Laurel Lane South of Laurel Street, and Baily Place East of Baily Avenue.

For Sewer Group 749 the streets affected by construction operation are: Alley between Fairmount Avenue and Sumac Street from Sumac Drive to Laurel Street, Maple Street from Sumac Drive to 44th Street, Fairmount Avenue from Sumac Drive to Columbine Street, Columbine Street from Fairmount Avenue to Columbine Street, Alley between Fairmount Avenue and 44th Street from Olive Street to Laurel Street, Alley between 44th Street and Highland Avenue from Olive Street to Maple Street, Z Street from 43rd Street to 45th Street, Boston Avenue from 44th Street to 45th Street, and 45th Street from Mayberry Street to Boston Avenue. Installation of the new sewer mains will provide the community with a reliable sewer infrastructure.

Community meetings were conducted for Sewer Group 746 at City Heights Planning Committee meeting on June 2, 2003 and at Ridgeview Neighborhood Group on July 19, 2003. Community meetings were conducted for Sewer Group 749 as follows: Southeastern San Diego Planning Committee on May 12, 2003 and City Heights Area Planning Committee on June 2, 2003. Business owners and residents in the area will be notified by mail at least one month before construction begins by the City's Engineering and Capital Projects Department and again 10 days before construction begins by the Contractor.

FISCAL IMPACT:

The total estimated cost of this Sewer Group Job 746 is \$3,540,000 and Sewer Group Job 749 is \$2,895,000 which both total to \$6,435,000. The total funding of \$6,435,000 is available in Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, for this purpose. These projects are scheduled to be phased-funded over FY 2005 and FY 2006.

Mendes/Boekamp/HR

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-101: Two actions related to Inviting Bids for the Construction of Sewer and Water Group 726.

(See memorandum from Patti Boekamp dated 7/22/2004. Peninsula Community Area. District-2.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2005-192)

Approving the plans and specifications for the construction of Sewer and Water Group 726 (Project) on Work Order Nos. 176491/186541;

Authorizing the City Manager, after advertising for bids in accordance with law, to establish contract funding phases and to award the Project contract to the lowest responsible and reliable bidder, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of an amount not to exceed \$3,540,425 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation – Sewer Main Replacement, an amount not to exceed \$2,062,292 from Water Fund 41500, CIP-73-083.0, Annual Allocation – Water Main Replacement, solely and exclusively for the purpose of providing funds for the Project and related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

Approving the City Forces on the Project for the purpose of providing additional services related to this project for a cost not to exceed \$230,000 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation – Sewer Main Replacement and for a cost not to exceed \$311,628 from Water Fund 41500, CIP-73-083.0, Annual Allocation – Water Main Replacement, for a total amount not to exceed \$541,628;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K051410C)

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-101: (Continued)

Subitem-B: (R-2005-193)

Certifying that the Mitigated Negative Declaration Project No. 6310 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.) as amended, and the State guidelines thereto (California Code of Regulations Section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of Sewer and Water Group 726 Project;

Approving the Mitigated Negative Declaration;

Adopting the Mitigation Monitoring and Reporting Program, pursuant to California Public Resources Code Section 21081.6;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 8/4/2004, NR&C voted 4 to 0 to approve the project. (Councilmembers Lewis, Frye, Madaffer, and Inzunza voted yea. Councilmember Zucchet not present.)

SUPPORTING INFORMATION:

Sewer Group Job 726 is part of the City of San Diego's continuing Annual Sewer Replacement Program. The sewer mains being replaced in this project were constructed as early as 1928 and are approaching the end of their service life. This project is located in the community of Peninsula Planning Area in District 2 and consists of replacing approximately 8,455 linear feet (1.60 miles) of existing 6", 8" and 12" sewer mains with 8,746 linear feet (1.66 miles) of new 8-inch sewer main and rehabilitation of 90 linear feet of existing 12-inch sewer mains. This project also consists of replacing approximately 5,711 linear feet (1.08 miles) of existing 4-inch and 6-inch water mains with 5,711 linear feet of new 8-inch and 16-inch water mains.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-101: (Continued)

SUPPORTING INFORMATION: (Continued)

In addition, the project will abandon some existing mains on private properties and divert the flow to the City right-of-way by constructing 20-sewer lateral re-plumbs. Also, this project includes the construction of 74 curb ramps and street resurfacing. The streets affected by construction operations within this project are Catalina Boulevard, Atascadero Drive, Tennyson Street, Udall Street, Wabaska Court, La Cresta Drive and Nimitz Boulevard. This project was presented two (2) times to the Peninsula Planning Community by the Engineering and Capital Projects Department.

Engineering and Capital Projects Department will notify the residents by mail at least one (1) month before the start of construction and again ten (10) days before construction begins by contractor through hand distribution of notices. The contractor will be required to provide control plans for the project area to the City of San Diego's Traffic Signal Design and Traffic Control Section for approval prior to starting construction to minimize traffic impact on the community.

FISCAL IMPACT:

The total estimated cost of this project is \$5,602,717. Authorizing the expenditure of \$3,540,425 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement and \$2,062,292 from Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement. This project is scheduled to be phase-funded in FY 2005 - FY 2006.

Mendes/Boekamp/HR

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-102: Two actions related to Inviting Bids for the Construction of Sewer Group 745.

(See memorandum from Patti Boekamp dated 7/22/2004. Barrio Logan Community Area. District-8.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2005-163 Cor. Copy)

Approving the plans and specifications for the construction of Sewer Group 745 (Project), on Work Order No. 177541;

Authorizing the City Manager after advertising for bids in accordance with law to establish contract funding phases and to award the Project ~~contract~~ to the lowest responsible and reliable bidder for the Project, contingent upon: (a) City Council approval of expenditure of any additional Project funding that may become necessary as a result of the bid opening for the Project; in an amount not to exceed \$6,713,250 from Sewer Fund 41506, CIP 44-001.0, Annual Allocation Sewer Main Replacement, provided that (b) the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of an amount not to exceed \$6,713,250 from Sewer Fund 41506, CIP-44-001.0 Annual Allocation-Sewer Main Replacement, solely and exclusively, for the purpose of providing funds for the Project, contingency, and project-related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K051842)

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-102: (Continued)

Subitem-B: (R-2005-164)

Certifying that Mitigated Negative Declaration Project No. 12558, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations Section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the Sewer Group 745 Project.

Approving the Mitigated Negative Declaration;

Adopting the Mitigation Monitoring and Reporting Program, pursuant to California Public Resources Code Section 21081.6;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 8/4/2004, NR&C voted 4 to 0 to approve the project. (Councilmembers Lewis, Frye, Madaffer, and Inzunza voted yea. Councilmember Zucchet not present.)

SUPPORTING INFORMATION:

Sewer Group 745 is part of the City of San Diego's continuing Annual Capital Improvements Program to replace aged and deteriorated sewer mains. This project is in the Barrio Logan community area and consists of installing approximately 15,300 feet (2.9 miles) of 8-inch, 10-inch, and 15-inch sewer mains. Also, this project includes installing 55 curb ramps at intersections within the project limits, and the resurfacing of the impacted streets.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-102: (Continued)

SUPPORTING INFORMATION: (Continued)

The streets affected by construction operation within this project are: Logan Avenue between Sigsbee Street and Cesar Chavez Parkway, 26th Street between Logan Avenue and National Avenue, Sicard Street between Alley North of National Avenue and Main Street, Schley Street between Main Street and Harbor Drive, Harrison Avenue between S. Evans Street and Dewey Street, 21st Street between Commercial Street and Alley North of Julian Avenue, 22nd Street between Commercial Street and Beardsley Street, Main Street between Sicard Street and Schley Street, Commercial Street between 21st Street and 22nd Street, Alley between National Avenue and Logan Avenue from S. Evans Street to Sicard Street, Alley between Kearny Avenue and Julian Avenue from Beardsley Street to S. Evans Street, Alley between Julian Avenue and Irving Avenue from S. Evans Street to Beardsley Street, Alley between Irving Avenue and Harrison Avenue from Dewey Street to 28th Street, and Alley between Irving Avenue and Julian Avenue from Sampson Street to 28th Street. Installation of the new sewer mains will provide the community with a reliable sewer infrastructure.

Community Meeting was conducted for Group Job 745, at Barrio Logan Project Area Committee on June 16, 2003. Business owners and residents in the area will be notified by mail at least one month before construction begins by the City's Engineering and Capital Projects Department and again 10 days before construction begins by the contractor through hand distribution.

FISCAL IMPACT:

The total estimated cost of this project is \$6,713,250. Funding of \$6,713,250 is available in Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, for this purpose. This project is scheduled to be phased funded over FY 05 to FY 06.

Mendes/Belock/HR

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-103: Awarding a Contract to Telliard Construction for Point Loma Community Park Ballfield Project Phase I.

(Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-209)

Authorizing the City Manager to accept the generous donation of \$81,300 from the Point Loma Little League for the construction of a retaining wall, landscaping, and irrigation system (Phase I), and a seating/viewing terrace (Phase II) at Point Loma Community Park Ballfield (Project);

Accepting the bid of Telliard Construction and authorizing the City Manager to execute, a contract with Telliard Construction for the Project, in the amount not to exceed \$103,500 (BID-M042004);

Authorizing the City Auditor and Comptroller to increase by \$81,300 in Fiscal Year 2005 Capital Improvements Program Budget in CIP-29-844.1, Point Loma Community Park Ballfield Viewing Terrace - Phase I, Fund No. 63022, Private and Other Contributions - Capital Improvements Program;

Authorizing the City Auditor and Comptroller to transfer \$37,820 from Park and Recreation Community Matching Funds, Fund No. 10365, Org. No. 2444 and J.O. No. 020234, to CIP-29-844.1, Point Loma Community Park Ballfield Viewing Terrace - Phase I, Fund No.10365, Park and Recreation Community Matching Funds;

Authorizing the City Auditor and Comptroller to increase by \$37,820 in Fiscal Year 2005 Capital Improvements Program Budget in CIP-29-844.1, Point Loma Community Park Ballfield Viewing Terrace - Phase I, Fund No.10365, Private and Other Contributions - Capital Improvements Program, Park and Recreation Community Matching Funds;

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

*** ITEM-103: (Continued)**

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$81,300 from CIP-29-844.1, Point Loma Community Park Ballfield Viewing Terrace - Phase I, Fund No. 63022, Private and Other Contributions – Capital Improvements Program, for the Project;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$37,820 from CIP-29-844.1, Point Loma Community Park Ballfield Viewing Terrace - Phase I, Fund No. 10365, Park and Recreation Community Matching Funds, for the Project;

Authorizing the City Auditor and Comptroller, upon advice from the administering department to transfer funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

The project is located at the Point Loma Community Park at the corner of Catalina Boulevard and Varona Street in the Peninsula Community Area in Council District 2. Phase I of the project will include the construction of a retaining wall, landscaping, and irrigation system. Phase II will design and construct the remainder of the project, the seating/viewing terrace.

The Point Loma Little League has been an active private partner in this project and has contributed \$81,300 needed to complete construction of Phase I.

The project was processed through Minor Construction Program and Telliard Construction has been recognized as the apparent low bidder, for Point Loma Community Park Ballfield Viewing Terrace - Phase I.

FISCAL IMPACT:

The total project cost is estimated to be \$178,120. Additional funds, in the amount of \$81,300, are available in CIP-29-844.1, Point Loma Community Park Ballfield Viewing Terrace - Phase I, Fund No. 63022, Private and Other Contributions - Capital Improvements Program. The improvements in this project are funded by Capital Outlay Funds in the amount of \$59,000, and Park and Recreation Community Matching Funds in the amount of \$37,820.

Herring/Oppenheim/AP

Aud. Cert. 2500212.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-104: Settlement of Personal Property Damage Claim of John A. Whalen.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-232)

A Resolution approved by the City Council in Closed Session on Monday, July 26, 2004 by the following vote: Peters-yea; Zucchet-yea; Atkins-not present; Lewis-yea; Maienschein-yea; Frye-yea; Madaffer-yea; Inzunza-not present. Mayor-yea.

Authorizing the City Manager to pay the total sum of \$286,668.48 in the settlement of each and every claim against the City, its agents and employees, in Superior Court Case No. 820996, John A. Whalen, Jr., et al., v. City of San Diego, et al., resulting from the flooding damage to Plaintiff's residence;

Declaring that out of the total sum of \$286,668.48, the sum of \$26,668.48 was previously paid to Luth & Turley, the City's designated contractor for clean-up and restoration of residences affected by back-up sewage, for work it had performed prior to being dismissed by Plaintiffs from completing the clean-up, and \$9,423 was previously paid to Plaintiffs for miscellaneous property damage. The balance of \$260,000 is owed to Plaintiffs;

Authorizing the City Auditor and Comptroller to issue one check in the amount of \$260,000, made payable to John A. Whalen, Jr., an individual, Sandra L. Whalen, an individual, and the Whalen Family Trust, in care of Timothy J. Tatro, Esq., Tatro and Zamoyiski, 12264 El Camino Real, Suite 400, Del Mar, California, 92130, in full settlement of the lawsuit and of all claims;

Declaring said funds are to be payable from Fund No. 81140, Public Liability Reserve Fund.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-104: (Continued)

CITY MANAGER SUPPORTING INFORMATION:

This constitutes the complete and final settlement of the property damage claim of John A. Whalen against the City of San Diego, its agents and employees, as a result of an incident, which occurred on October 26, 2002.

Lexin/Lopez/LH

Aud. Cert. 2500198.

NOTE: The Auditor's Certificate was not requested prior to Closed Session. The vote taken in Open Session shall be the official vote.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-105: Multi-Year Transient Occupancy Tax (TOT) Funding for the San Diego Bowl Game Association/Holiday Bowl.

(See City Manager Report CMR-04-171.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-128)

Declaring that the Council expresses a desire and intention to fund the Holiday Bowl with TOT allocations, as follows: (1) subject to availability of funds in a given year, (2) subject to the discretionary prerogatives of the City Council to annually adopt a budget and annual appropriation ordinance for the City pursuant to the City Charter, and (3) subject to the City Auditor and Comptroller certifying the availability of funds by issuing an Auditor's Certificate prior to any contractual commitment, and in accordance with the following schedule:

Proposed Schedule of Funding

<u>FY 2006</u>	<u>FY2007</u>	<u>FY2008</u>	<u>FY2009</u>	<u>FY2010</u>	<u>FY2011</u>
\$434,597	\$459,597	\$484,597	\$509,597	\$534,597	\$559,597

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-106: Opposing California Performance Review's Recommendation RES12: Restructure Funding and Governance for Certain Land Conservancies.

(See letter from Mayor Murphy and Councilmember Donna Frye dated 8/19/2004 and memorandum from J. Brent Eidson dated 9/1/2004. Districts-2, 3, 6, and 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-246)

Declaring that the Council of the City of San Diego strongly opposes Recommendation RES12: Restructure Funding and Governance for Certain Land Conservancies, from the California Performance Review (CPR).

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-107: Agreement with Hawkins, Delafield & Wood, LLP, for Disclosure Counsel Services for Balboa Park Refunding.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-198)

Authorizing the City Manager to execute an agreement with Hawkins, Delafield & Wood, LLP, for disclosure counsel services for the Balboa Park Refunding, in an amount not to exceed \$100,000, under the terms and conditions set forth in the Agreement, contingent upon the City Auditor and Comptroller first furnishing a certificate certifying that funds are available.

SUPPORTING INFORMATION:

The City issued Certificates of Participation (Balboa Park and Mission Bay Park Capital Improvements Program) Series 1996A for capital (Prior COPs) to finance the construction of capital improvements to Balboa Park and Mission Bay Park (Project). The City plans to refund the Prior COPs and issue refunding certificates of participation (COPs). It is in the best interest of the City to retain Hawkins, Delafield and Wood LLP (Firm) to provide disclosure counsel services in connection with the COPs. The Firm proposed to provide such services for an hourly rate in connection with the COPs for a maximum amount not to exceed \$100,000. Such fees are contingent upon the Bonds being sold and shall be paid from the proceeds of the Bonds. The City has determined to accept the Firm's proposal and retain it as disclosure counsel for the COPs.

Noone/KJS

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-108: Agreement with Hawkins, Delafield & Wood, LLP, for Disclosure Counsel Services for San Diego Open Space Refunding.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-197)

Authorizing the City Manager to execute an agreement with Hawkins, Delafield & Wood, LLP, for disclosure counsel services for San Diego Open Space Refunding, in an amount not to exceed \$100,000, under the terms and conditions set forth in the Agreement, contingent upon the City Auditor and Comptroller first furnishing a certificate certifying that the funds are available.

SUPPORTING INFORMATION:

In February 1978, the City Council formed the San Diego Open Space Park Facilities District No. 1 (District). The City is the legislative body of the District. The District previously issued in 1978, 1986, and 1994 the San Diego Open Space Park Facilities General Obligation Bonds and has now determined that a portion of such outstanding bonds should be refunded and refunding bonds issued for such purpose (Bonds). It is in the best interest of the City to retain Hawkins, Delafield and Wood, LLP (Firm) to provide disclosure counsel services in connection with the Bonds. The Firm proposed to provide such services for an hourly rate in connection with the Bonds for a maximum amount not to exceed \$100,000. Such fees are contingent upon the Bonds being sold and will be paid out of the Bonds proceeds. The City has determined to accept the Firm's proposal and retain it as disclosure counsel for the Bonds.

Noone/KJS

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-109: Agreement with Hawkins, Delafield & Wood, LLP, for Bond Disclosure Counsel Services for Pension Obligation Bonds.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-201)

Authorizing the City Manager to execute an agreement with Hawkins, Delafield & Wood, LLP, for bond and disclosure counsel services for Pension Obligation Bonds in an amount not to exceed \$175,000, under the terms and conditions set forth in the Agreement, contingent upon the City Auditor and Comptroller first furnishing a certificate certifying that funds are available.

SUPPORTING INFORMATION:

The City is contemplating the issuance of pension obligation bonds (Bonds) in early 2005 to reduce the City's outstanding pension Unfunded Accrued Liability (UAAL). It is in the best interest of the City to retain Hawkins, Delafield & Wood, LLP (Firm) to provide bond and disclosure counsel service in connection with the Bonds. The Firm proposed to provide such services for an hourly rate in connection with the Bonds for a maximum amount not to exceed \$175,000. Such fees are contingent on the Bonds being sold and shall be paid from the proceeds of the Bonds. The City has determined to accept the Firm's proposal and retain it as bond and disclosure counsel for the Bonds.

Noone/RD

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-110: Establishing a One-Hour Unmetered Time Limit Parking on the South Side of El Cajon Boulevard between 49th Street and Winona Avenue.

(City Heights Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-215)

Establishing a one-hour unmetered time limit parking zone, effective between the hours of 8:00 a.m. and 6:00 p.m., Sundays and certain holidays excepted, on the south side of El Cajon Boulevard between 49th Street and Winona Avenue, San Diego, California, pursuant to authority conferred by and in accordance with the provisions of Section 86.04 of the San Diego Municipal Code;

Authorizing the installation of the necessary signs and markings to be made on said street; the regulations hereinabove imposed shall become effective upon the installation of such signs.

CITY MANAGER SUPPORTING INFORMATION:

This action will authorize the City Manager to install one-hour unmetered time limit parking on the south side of El Cajon Boulevard between 49th Street and Winona Avenue. The one-hour time limit zone will be effective from 8 a.m. to 6 p.m., Monday through Saturday, with Sundays, and certain holidays excepted. This action is in accordance with Municipal Code Section 86.04 and Council Policy 200-04, Installation or Removal of Time Limit Parking Zones and Parking Meter Zones.

El Cajon Boulevard is a commercial street. The businesses expressed concern with parking of long durations impacting their businesses and requested time limit parking. They submitted a petition signed by 100% of the fronting businesses to initiate a parking study by the City. The parking duration study indicated that time limit parking is recommended. In addition, the City Heights Area Planning Committee supports this action.

FISCAL IMPACT:

\$450. Funds are available in the Street Division for this purpose.

Mendes/Boekamp/DVW

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-111: CCDC Area 1, Phase 2, Job 2, from Beech Street to Cedar Street and State Street to 7th Avenue.

(Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-226)

Calling for a public hearing to determine whether the public health, safety, or general welfare requires the formation of Underground Utility Districts financed through the City of San Diego Undergrounding Surcharge Fund.

CITY MANAGER SUPPORTING INFORMATION:

The formation of CCDC Area 1, Phase 2, Job 2, from Beech Street to Cedar Street and State Street 7th Avenue Underground Utility District will require the removal and/or underground conversion of certain overhead power and communications wires with poles within the established boundary. The expense of the underground installation and removal of overhead facilities within the right-of-way (street and sidewalk area) will be the responsibility of the utility companies in accordance with California Public Utilities Commission Rules.

It is the responsibility of the individual property owner(s) for the trenching and other related work to convert their property to receive electrical, telecommunication and cable television from an underground service. However, San Diego Gas & Electric will offer to property owner(s) within the Underground Utility District, to perform all the work necessary to convert private property, including necessary conduits for telephone and cable facilities at no cost to the property owner(s). In order to take advantage of San Diego Gas & Electric's offer to perform this work, property owners are required to sign a Permit to Enter Form.

FISCAL IMPACT:

The fiscal impact to the City is the construction cost estimated at \$1,702,982 and other indirect costs such as street light replacement, tree replacement, street improvement, minor City forces, and other related work estimated at \$115,785, will be financed through the City of San Diego Fund 30100, Undergrounding Surcharge Fund, contingent upon receipt of funds from San Diego Gas & Electric.

Mendes/Boekamp/AO

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-250: Notice of Pending Final Map Approval – 4154 Louisiana Street.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “4154 Louisiana Street” (T.M. No. 72188), a copy of which is available for public viewing at the Office of the San Diego City Clerk. Said project is located northwesterly of Polk Avenue and Louisiana Street in the Greater North Park Community Plan Area in Council District 3. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

PUBLIC NOTICES: (Continued)

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-251: Notice of Pending Final Map Approval – 4950 Coronado Avenue.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “4950 Coronado Avenue” (T.M. No. 42-2179), located at 4950 Coronado Avenue, west of Cable Street and east of Bacon Street in Ocean Beach Community Planning Area in Council District 2, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Said project is. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT